

Message Text

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ACTION OES-07

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-11
ACDA-12 CIAE-00 INR-10 IO-13 L-03 NSAE-00 NSC-05
EB-08 NRC-05 SOE-02 DODE-00 SS-15 SP-02 CEQ-01
/137 W

-----049105 090950Z /10

R 090923Z MAY 78
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 6270
INFO USDOEHQ WASHDC
USDOEHQ GERMANTOWN

C O N F I D E N T I A L SECTION 01 OF 02 VIENNA 04241

USIAEA

DEPT PASS IO/SCT
DOE FOR AMMONS, IA

E.O. 11652: GDS
TAGS: AORG, OCON, IAEA
SUBJECT: JUNE MEETING OF BOARD OF GOVERNORS: DESIGNATION
ISSUE

REFS: (A) 77 VIENNA 4911, (B) VIENNA 3859

1. SUMMARY: US WILL HAVE TO REACT AT JUNE BOARD TO
BOARD CHAIRMAN'S PROPOSAL OF STATE OTHER THAN SOUTH
AFRICA TO FILL SEAT RESERVED FOR "MOST ADVANCED" AFRICAN
STATE. THIS TELEGRAM LAYS OUT OPTIONS AND REQUESTS
EARLY INSTRUCTIONS, PENDING RECEIPT OF WHICH WE WOULD
PLAN TO CONFINE OUR CONSULTATIONS TO ASCERTAINING OTHERS' VIEWS.
END SUMMARY

2. ADDRESSEES WILL RECALL(REF B) THAT DURING COURSE
OF BOARD DISCUSSION IN JUNE 1977 WHICH ENDED IN
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DESIGNATION OF EGYPT RATHER THAN SOUTH AFRICA AS
"MOST ADVANCED" MEMBER FROM AFRICA, US GOVERNOR AND
LARGE NUMBER OF OTHERS OBJECTED STRONGLY ON GROUNDS
THAT SUCH AN ACTION WOULD BE CONTRARY TO OBLIGATION
OF BOARD TO DESIGNATE TO NEW BOARD "MOST ADVANCED"
MEMBERS SOLELY ON BASIS OF TECHNICAL CRITERIA
SPECIFICALLY PRESCRIBED IN ARTICLE VI A.1. OF THE

STATUTE. AS WILL BE RECALLED, DESIGNATION OF EGYPT TOOK PLACE BY VOTE OF 19 TO 13.

3. THE ISSUE HAS NOT BEEN REVIVED IN DISCUSSIONS OF THE PRESENT BOARD, NOR HAS THE BOARD RESORTED TO VOTE ON ANY OTHER ISSUE SINCE THEN. HOWEVER, AS DEPARTMENT IS AWARE, JUNE MEETING OF BOARD WILL AGAIN BE CALLED UPON TO DESIGNATE "MOST ADVANCED" MEMBERS TO ONE-YEAR TERMS ON 1978-79 BOARD, PRESENTING BOARD MEMBERS WITH ESSENTIALLY SAME ISSUE IT FACED LAST YEAR; MOREOVER, POSSIBILITY OF BOARD VOTE ON SEVERAL TROUBLESOME ISSUES, MOST NOTABLY AMENDMENT OF ARTICLE VI TO STATUTE, CANNOT BE RULED OUT. IN MISSION'S VIEW, WE SHOULD BE CONSIDERING POSSIBLE COURSE OF ACTION, FOR DISCUSSION AMONG LIKE-MINDED REPS HERE.

4. RE DESIGNATION ITEM, MISSION FORESEES THAT CHAIRMAN WILL REQUEST BOARD'S CONCURRENCE IN LIST OF DESIGNATED MEMBERS IDENTICAL TO THOSE NOW SERVING IN THAT CAPACITY OR ASK BOARD TO CHOOSE BETWEEN EGYPT AND NIGER FOR AF DESIGNATED SEAT. IN EITHER CASE, CHAIRMAN WILL NOT RPT NOT BE PROPOSING SOUTH AFRICA FOR THE DESIGNATED SEAT. THERE WOULD BE SEVERAL OPTIONS OPEN TO US: (A) CHALLENGE CHAIRMAN'S PROPOSED DESIGNATION OF MEMBER STATE FROM AF AND CALL FOR VOTE ON ACCEPTANCE OF HIS PROPOSAL (WHICH WE WOULD LOSE). STATEMENT IN EXPLANATION OF VOTE SHOULD BE DELIVERED RECALLING VIEWS US EX-CONFIDENTIAL

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PRESSED LAST YEAR AND NOTING THAT PROPOSED DESIGNATION FOR AF AREA WOULD ONCE AGAIN NOT RPT NOT BE IN CONFORMITY WITH MANDATE GIVEN TO BOARD IN ARTICLE VI OF STATUTE WHICH REFERS TO SPECIFIED TECHNICAL CRITERIA, AND THAT IF BOARD ACCEPTED CHAIRMAN'S PROPOSAL, US WOULD RESERVE RIGHT TO CHALLENGE VALIDITY OF THAT MEMBER'S VOTE IN ANY BOARD MEETING. (WE COULD REFRAIN FROM MENTIONING SOUTH AFRICA BY NAME, THUS PERHAPS MAKING IT EASIER FOR OTHERS TO SUPPORT OUR POSITION.); (B) DELIVER STATEMENT FOR RECORD AS ABOVE, STOPPING SHORT OF CALL FOR VOTE, BUT RESERVING RIGHT TO CHALLENGE AF MEMBER DESIGNATED IN DISREGARD OF STATUTE; (C) ACQUIESCE SILENTLY IN CHAIRMAN'S PROPOSED SLATE OF DESIGNEES, WHICH WOULD PERMIT DESIGNATION BY CONSENSUS, UNLESS ANOTHER GOVERNOR OBJECTS.

5. ALTERNATIVE (C) IS TO US THE LEAST ATTRACTIVE; IT WOULD BE NEITHER APPROPRIATE NOR IN OUR INTEREST TO ENCOURAGE LDC'S AND EE MEMBER STATES TO BELIEVE THAT WE HAVE FORGOTTEN LAST JUNE'S EPISODE AND ARE WILLING QUIETLY TO ACQUIESCE IN BOARD ACTIONS CONTRARY TO STATUTE. ALTERNATIVE (B) WOULD BE MINIMAL STEP

CONSISTENT WITH INTEGRITY OF POSITION WE AND OTHERS
TOOK ON THIS ISSUE IN JUNE 1977. BUT LEGAL INTEGRITY
AND OVERALL FORCE OF OUR POSITION WOULD BE FLAWED BY
OUR FAILURE TO CALL FOR VOTE BEFORE BEING COMPELLED
TO ACQUIESCE. WE FEEL ALTERNATIVE (A) IS PREFERABLE
WITHIN IAEA CONTEXT, BUT WE RECOGNIZE THAT DEPARTMENT
WILL HAVE TO CONSIDER OTHER FACTORS.

6. WE WILL NEED DEPARTMENT'S INSTRUCTIONS BEFORE
TAKING ANY US POSITION, AND THE SOONER WE GET THESE,
THE MORE EFFECTIVE WE CAN BE. WE WOULD MEANWHILE

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DODE-00 SS-15 SP-02 CEQ-01 ARA-10 EA-10 NEA-11
/137 W

-----049106 090949Z /10

R 090923Z MAY 78
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 6271
INFO USDOEHQ WASHDC
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C O N F I D E N T I A L SECTION 02 OF 02 VIENNA 04241

PLAN, UNLESS DEPARTMENT OBJECTS, TO ATTEMPT, IN
COURSE OF NORMAL PRE-BOARD CONSULTATIONS, TO ASCERTAIN
VIEWS AND PLANS OF OTHER MISSIONS WHICH VOTED WITH
US LAST YEAR.

7. IF A VOTE TAKES PLACE ON SUBSTANTIVE BOARD ISSUE
--- OR DESIGNATION ITEM, WE BELIEVE US REP SHOULD
GO ON RECORD CHALLENGING VALIDITY OF EGYPT'S VOTE
ALONG LINES OF STATEMENT PROPOSED PARA 3 ABOVE. THIS
WOULD NOT ONLY BE CONSISTENT WITH OUR POSITION AS
GIVEN LAST JUNE, BUT WOULD CAST IN DOUBT VALIDITY
OF ANY VOTE IN WHICH LDC'S WOULD PREVAIL BY
MAJORITY OF ONE. KIRK

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 09 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978VIENNA04241
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780195-1186
Format: TEL
From: VIENNA USIAEA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780576/aaaacndx.tel
Line Count: 166
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 1afdb0a1-c288-dd11-92da-001cc4696bcc
Office: ACTION OES
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 VIENNA 4911, 78 VIENNA 3859
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 18 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2742726
Secure: OPEN
Status: NATIVE
Subject: JUNE MEETING OF BOARD OF GOVERNORS: DESIGNATION ISSUE
TAGS: AORG, OCON, IAEA
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/1afdb0a1-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014